

PERMIT NUMBER: VAR1603		
APPLICATION FOR ZONING APPEAL Georgetown Charter Township 1515 Baldwin St, P.O. Box 769 Jenison, MI 49429 616-457-2340		
revised: 1/26/09		
APPLICANT INFORMATION		
COMPANY NAME: HEYBOER HOLDINGS LLC		PHONE: 616-896-8414
APPLICANT NAME: NATE HEYBOER		
ADDRESS: 5001 40TH AVENUE	CITY / STATE / ZIP: HUDSONVILLE, MI 49426	
PROPERTY INFORMATION		
COMPANY NAME: HEYBOER HOLDINGS LLC		PHONE: 616-896-8414
OWNER / AGENT NAME: NATE HEYBOER		TITLE: OWNER
ADDRESS: 303 BALDWIN STREET ✓	CITY / STATE / ZIP: JENISON, MI 49428	
PARCEL NUMBER: 70-14-13-200-030 ✓	ZONING DISTRICT: HIGH DENSITY (HDR) ✓	
EXISTING USE: VACANT		
REQUEST INFORMATION		
STATE THE NATURE OF THE APPEAL, INTERPRETATION OR VARIANCE REQUEST: The variance request is to allow 3 story buildings while the ordinance allows 2.5 story buildings.		
SECTION OF THE ORDINANCE RELATING TO THE REQUEST: Chapter 24		
EIGHT (8) FOLDED COPIES OF A SITE PLAN ARE REQUIRED TO ACCOMPANY THIS APPLICATION		
APPLICANT SIGNATURE		
I HEREBY ATTEST THAT THE INFORMATION ON THIS FORM IS TO THE BEST OF MY KNOWLEDGE, TRUE AND ACCURATE AND COPIES OF ALL MATERIALS SUBMITTED TO THE BOARD WILL ALSO BE SUBMITTED TO THE TOWNSHIP. I UNDERSTAND THAT I MAY BE REQUIRED TO BE SWORN IN TO GIVE TESTAMONY. I HEREBY GRANT PERMISSION FOR MEMBERS OF THE TOWNSHIP BOARD OF APPEALS TO ENTER THE SUBJECT PROPERTY FOR THE PURPOSE OF GATHERING INFORMATION RELATED TO THIS REQUEST. IT IS THE APPLICANT'S RESPONSIBILITY TO MEET THE REQUIREMENTS OF THE TOWNSHIP ZONING ORDINANCE IN ALL RESPECTS AND TO PROVIDE THE NECESSARY INFORMATION TO THE TOWNSHIP FOR APPROVAL. COPIES OF THE ORDINANCE MAY BE OBTAINED FROM THE TOWNSHIP WEBSITE AT WWW.GEORGETOWN-MI.GOV . BY SIGNING, PERMISSION IS GRANTED FOR THE TOWNSHIP STAFF AND BOARD MEMBERS TO ENTER THE SUBJECT PROPERTY FOR PURPOSES OF GATHERING INFORMATION TO REVIEW THIS REQUEST. I ACKNOWLEDGE THERE ARE NO REFUNDS FOR ANY REASON.		
APPLICANT SIGNATURE:		DATE: 1-12-16
FOR OFFICE USE ONLY		
DATE OF ZONING BOARD OF APPEALS MEETING:	DATE ADVERTISED:	DATE PROPERTY NOTICES WERE SENT:

Sec. 28.11 of the Georgetown Charter Township Zoning Ordinance establishes the powers and duties of the Zoning Board of Appeals. All Variance requests must meet the specific standards listed in that section in order to be approved. In the space below or additional sheets, if needed, state how your request meets each of the approval standards.

Section 28.11 of the Zoning Ordinance states:

- (C) **Variances.** The Board of Appeals shall have the power to authorize, upon an appeal, specific variances from the requirements of this Ordinance, when the applicant demonstrates that ALL of the following conditions will be satisfied.

(Please describe, in detail, how your request meets each of the following standards.)

- (1) Granting the variance be in the public interest and will ensure that the spirit of this Ordinance shall be observed. *(Will the intentions of the ordinance be upheld and will there be no detrimental effects to the public if the variance is granted?)*

The spirit of the ordinance is to maintain a low-rise, high density character (section 11.1). The request is to allow construction of low-rise buildings which will consist of an enclosed garage located beneath two levels of living quarters. The mean roof height of the buildings will be less than the zoning district's building height limit of 35', thereby maintaining a low-rise character.

- (2) Granting the variance shall not permit the establishment within a district of any use which is prohibited, nor shall any use variances be granted. *(Is the use to which the variance relates allowed in the zoning district where the site is located?)*

The proposed use for the site is consistent and allowable in the High Density (HDR) zoning district and no use variance is requested.

- (3) That there are practical difficulties in complying with the standards of the Zoning Ordinance resulting from exceptional, extraordinary, or unique circumstances or conditions applying to the property in question, that do not generally apply to other property or uses in the vicinity in the same zoning district; and have not resulted from the adoption of this Ordinance. *(What unusual circumstances related to the property, that are different from other neighboring properties, necessitate the request?)*

The existing property is characterized by its proximity to the Grand River. A portion of the site is currently below the Grand River floodplain elevation and the floor elevations of the buildings needs to be constructed 1' above the 100-year flood elevation. This variance allows for stacked construction which creates a smaller building footprint. A smaller footprint will require less fill soil which leads to less impact on the existing floodplain volume. This site is unique from other sites in the Township due to the existing floodplain elevation over much of the site.

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- (4) That the granting of such variance will not be of substantial detriment to adjacent properties or improvements in the vicinity; or, that the application of conditions to an approved variance will eliminate or sufficiently mitigate potential detrimental impacts. *(Present evidence that if the variance is granted, the adjacent properties will not suffer from detrimental effects.)*

Since the proposed building height will be less than allowed by the ordinance, the granting of this variance will not create visual detriment to the neighboring properties. No other detriment is proposed or envisioned with completion of the development.

- (5) That granting such variance is necessary for the preservation of a substantial property right possessed by other properties in the vicinity in the same zoning district. *(What substantial property right are you denied under the current circumstances?)*

The presence of the floodplain requires a smaller building footprint in order to minimize floodplain impacts. Neighboring parcels are naturally above the floodplain elevation, or have been filled to achieve an elevation above the floodplain elevation. Denial of the variance will lessen the owner's ability to fully develop the site as zoned and intended.

- (6) That granting such variance will not cause any existing non-conforming use, structure, or condition to be increased or perpetuated, contrary to the provisions of Chapter 27 of this Ordinance, except in accordance with Section 27.12 *(Are there any circumstances on the property that are currently non-conforming? If so, will the non-conforming be increased or enlarged?)*

There are no non-conforming circumstances at the site and none proposed by this variance request.

- (7) That the variance is not necessitated as a result of any action or inaction of the applicant. (revised 4-23-2001) *(Is this request necessary because of anything that has been done or not done by the applicant?)*

No.